

EIGHTH DAY

TUESDAY, JULY 14, 2009

Legislature met pursuant to adjournment.

President Wayne E. Zyra in the Chair.

ROLL CALL

Present — Legislators Adair, Andrews, Antelli, Barker, Beebe, Bronson, Cassetti, Colby, Cruz, Daniele, Driscoll, Esposito, Eckel, Gumina, Haney, Hanna, Heider, Kaleh, LaFountain, Lee, Lightfoot, McCann, O'Brien, Quatro, Tucciarello, Valerio, Yolevich, Zyra – 28

Absent – Legislator Gamble (1)

President Zyra welcomed Legislator Rick Antelli of District 7 to the Monroe County Legislature.

Meeting formally opened. At the invitation of Legislator R. Anthony LaFountain, Reverend James A. Schwartz of St. Joseph's Church of Penfield, delivered the invocation. The Pledge of Allegiance to the Flag was led by Legislator Mary A. Valerio.

A vocal performance of the Star Spangled Banner was performed by Katie Bryant.

PROCLAMATION

By the President of the Legislature — Wayne E. Zyra

Recognized Jointly with Legislator Richard Yolevich "Katie Bryant" for her outstanding vocal talent and for her performance during the July 2009, Meeting of the Monroe County Full Legislature.
Read and Filed.

APPROVAL OF MINUTES

Without objection, the journal of the session of Day 7 of 2009, June 9, 2009 was approved as submitted.

PETITIONS AND COMMUNICATIONS

Dr. Ann Kress, President of Monroe Community College addressed the Full Legislature.

PROCLAMATIONS

By the President of the Legislature — Wayne E. Zyra

Proclaimed Jointly with County Executive Maggie Brooks "Jensen Caraballo Day" in Monroe County and wish him continued academic success and the best of luck at Monroe Community College in the fall.
Read and Filed.

Proclaimed Jointly with County Executive Maggie Brooks “Eckart ‘Ecky’ Henne Day” in Monroe County and congratulate him on his tenth anniversary of work in the Pharmacy Department at Monroe Community Hospital.
Read and Filed.

Recognized Jointly with Legislators Ciaran T. Hanna and Michael G. Barker “The Fairport Varsity Softball Team” on an incredibly successful 2009 season.
Read and Filed.

Recognized Jointly with Legislators Ciaran T. Hanna and Michael G. Barker “The Fairport Girls Varsity Lacrosse Team” on an incredibly successful 2009 season.
Read and Filed.

Recognized Jointly with Legislator Cynthia Kaleh “Rochester North West Rotary Club” for recently being chartered by Rotary International and for dedicated community service.
Read and Filed.

Recognized Jointly with Paul E. Haney “Katie Murrer and Kristen French” for strength of courage, commitment and character, and for honoring the memory of a Charles Carroll School mentor, teacher and friend.
Read and Filed.

Recognized Jointly with Legislators Harry B. Bronson, Carmen F. Gumina and Calvin Lee, Jr. “Greater Rochester Health Foundation” for its ongoing, exceptional service to the community.
Read and Filed.

Recognized Jointly with Legislator Willie J. Lightfoot “Boulder Coffee Company” for their dedication to the Brooks Landing community and neighborhood.
Read and Filed.

Recognized Jointly with C. Stephen Eckel and Carmen F. Gumina “Webster Cyclones Mite Major Travel Hockey Team” for their hard work and outstanding achievement.
Read and Filed.

RECESS

President Zyra recessed the meeting to allow for two Public Hearings entitled...

“Authorizing Ground Lease From Monroe County To State University Of New York On Behalf Of State University Of New York Empire State College For Development Of Educational Facility On Brighton Campus Of Monroe Community College”. No speakers addressed the Legislature and the hearing concluded at 6:40 P.M.

“Adoption Of 2010- 2015 Capital Improvement Program”. No speakers addressed the Legislature and the hearing concluded at 6:40 P.M.

RECONVENING LEGISLATURE

President Zyra reconvened the recessed meeting of July 14, 2009 and proceeded under the Usual Order of Business.

FORMAL COMMITTEE REPORTS

NONE

PUBLIC FORUM

An Open Forum was conducted to allow speakers to address the Legislature. Three speakers addressed the Legislature on various subjects and the Open Forum concluded at 6:59 P.M.

RECESS

A recess was declared by President Zyra to allow for a meeting of the **Pure Waters Administrative Board**.

RECONVENING LEGISLATURE

President Zyra reconvened the recessed meeting of July 14, 2009 and proceeded under the Usual Order of Business.

LOCAL LAWS

- | | | | |
|----|---|---------|--|
| 1. | Valerio & LaFountain
Intro. 223
M. 50
28-0 | 09-0163 | Providing That Local Law (Intro. No. 181 Of 2009), Entitled ‘Authorizing Ground Lease From Monroe County To State University Of New York On Behalf Of State University Of New York Empire State College For Development Of Educational Facility On Brighton Campus Of Monroe Community College,’ Be Lifted From The Table |
| 2. | Valerio & LaFountain
Intro. 224
M. 51
28-0 | 09-0163 | Providing That Local Law (Intro. No. 181 Of 2009), Entitled ‘Authorizing Ground Lease From Monroe County To State University Of New York On Behalf Of State University Of New York Empire State College For Development Of Educational Facility On Brighton Campus Of Monroe Community College,’ Be Adopted
Recreation and Education Committee; May 26, 2009 – CV: 5-0
Ways and Means Committee; May 27, 2009 – CV: 11-0 |
| | Intro. 181
Local Law TBA
28-0 | | Main Motion |
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MOTIONS, RESOLUTIONS AND NOTICES

3. Tucciarello, Valerio, Barker, Colby, Daniele, Cassetti, Hanna & LaFountain
Intro. 225
M. 52
28-0

09-0160

Providing That Resolution (Intro. No. 197 Of 2009), Entitled "Adopting 2010-2015 Capital Improvement Program" Be Lifted From The Table
4. Tucciarello, Valerio, Barker, Colby, Daniele, Cassetti, Hanna & LaFountain
Intro. 226
M. 53
28-0

09-0160

Providing That Resolution (Intro. No. 197 Of 2009), Entitled "Adopting 2010-2015 Capital Improvement Program" Be Adopted
 Planning and Economic Development Committee; May 26, 2009 – CV: 5-0
 Recreation and Education Committee; May 26, 2009 – CV: 5-0
 Public Safety Committee; May 26, 2009 – CV: 8-0
 Transportation Committee; May 27, 2009 – CV: 9-0
 Intergovernmental Relations Committee; May 27, 2009 – CV: 6-0
 Environment and Public Works Committee; May 27, 2009 – CV: 7-0
 Human Services Committee; May 26, 2009 – CV: 7-0
 Ways and Means Committee; May 27, 2009 – CV: 11-0

Intro. 197
Res. 173
28-0

Main Motion
5. Tucciarello & Hanna
Intro. 227

09-0195

Authorizing Additions To Monroe County Agricultural Districts
 Planning and Economic Development Committee; June 22, 2009 – CV: 5-0
(For Introductory Purposes Only)
6. Tucciarello & Hanna
Intro. 228
M. 54
28-0

09-0195

Providing That Resolution (Intro. No. 227 Of 2009), Entitled "Authorizing Additions To Monroe County Agricultural Districts," Be Tabled
7. Tucciarello & Hanna
Intro. 229
Res. 174
28-0

09-0195

Fixing A Public Hearing By The Planning And Economic Development Committee Of The Monroe County Legislature On Resolution (Intro. No. 227 Of 2009), Entitled "Authorizing Additions To Monroe County Agricultural Districts"
Public Hearing is scheduled for Monday, July 27, 2009 at 4:30 P.M., in the Legislative Chambers, Room 406)
8. Barker & LaFountain
Intro. 230
Res. 175
28-0

09-0196

Accepting Two Grants From United States Department Of Justice, United States Marshals Service Western District Of New York, For United States Marshals Service New York/New Jersey Regional Fugitive Task Force – Rochester Division
 Public Safety Committee; June 22, 2009 – CV: 8-0
 Ways and Means Committee; June 24, 2009 – CV: 11-0
9. Valerio & LaFountain
Intro. 231
Res. 176
28-0

09-0197

Accepting Grant From New York State Office Of Parks, Recreation And Historic Preservation To Fund Services At Seneca Park Zoo
 Recreation and Education Committee; June 23, 2009 – CV: 5-0
 Ways and Means Committee; June 24, 2009 – CV: 11-0
10. Valerio & LaFountain
Intro. 232
Res. 177
28-0

09-0198

Accepting Grant From New York State Office Of Parks, Recreation And Historic Preservation To Fund Highland And Durand-Eastman Parks' Arboreta Project
 Recreation and Education Committee; June 23, 2009 – CV: 5-0
 Ways and Means Committee; June 24, 2009 – CV: 11-0

11. Daniele & LaFountain
Intro. 233
Res. 178
28-0 09-0199 Authorizing Intermunicipal Agreement With City Of Rochester To Provide Water Quality Monitoring For The Beach At Durand Eastman Park
Intergovernmental Relations Committee; June 23, 2009 – CV: 5-0
Ways and Means Committee; June 24, 2009 – CV: 11-0

12. Daniele, Cassetti & LaFountain
Intro. 234
Res. 179
28-0 09-0200 Authorizing Grants and Intermunicipal Agreements With Various Municipalities Pertaining To Monroe County Green Space Initiative
Intergovernmental Relations Committee; June 23, 2009 – CV: 5-0
Environment and Public Works Committee; June 24, 2009 – CV: 7-0
Ways and Means Committee; June 24, 2009 – CV: 11-0

13. Hanna & LaFountain
Intro. 235
Res. 180
28-0 09-0201 Amending Resolution 239 Of 2008 To Accept Additional Funding From New York State Department Of Health For Consolidated Child And Family Health Program
Human Services Committee; June 23, 2009 – CV: 7-0
Ways and Means Committee; June 24, 2009 – CV: 11-0

14. Hanna & LaFountain
Intro. 236
Res. 181
28-0 09-0202 Accepting Additional Funding From New York State Office Of Children And Family Services For Child Care Block Grant Subsidy Program
Human Services Committee; June 23, 2009 – CV: 7-0
Ways and Means Committee; June 24, 2009 – CV: 11-0

15. Quatro, Cassetti & LaFountain
Intro. 237
Res. 182
28-0 09-0203 Amending 2009-2014 Capital Improvement Program To Add Project Entitled “Irondequoit Creek Stream Bank Stabilization;” Accepting Grant From New York State Department Of Environmental Conservation
Environment and Public Works Committee; June 24, 2009 – CV: 4-3
Ways and Means Committee; June 24, 2009 – CV: 6-5

16. Quatro, Cassetti & LaFountain
Intro. 238
14-14F 09-0203 br. Resolution Authorizing The Issuance Of \$250,500 Bonds Of The County Of Monroe, New York, To Finance The Cost Of The Stabilization Of Irondequoit Creek Stream Bank In Powder Mills And Ellison Parks, In And For Said County, At An Estimated Maximum Cost Of \$250,500
Environment and Public Works Committee; June 24, 2009 – CV: 4-3
Ways and Means Committee; June 24, 2009 – CV: 6-5
(Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gumina, Haney, Heider, Kaleb, Lee, Lightfoot, O'Brien and Zyra voted in the negative)

17. Cassetti & Tucciarello
Intro. 239
Res. 183
28-0 09-0204 Authorizing Contract With New York Power Authority For Construction Of Solar Power System Improvements At Monroe County Office Building
Environment and Public Works Committee; June 24, 2009 – CV: 7-0

18. Cassetti & LaFountain
Intro. 240
Res. 184
28-0 09-0205 Authorizing Contracts With ARCADIS And Lu Engineers For Pump Station Engineering Term Services
Environment and Public Works Committee; June 24, 2009 – CV: 7-0
Ways and Means Committee; June 24, 2009 – CV: 11-0

19. Cassetti & LaFountain
Intro. 241
Res. 185
28-0 09-0207 Authorizing Contract With Ramsey Constructors, Inc. For General Construction For Gate-Chili Ogden Sewer District's Trolley Pump Station Force Main Improvements Project
Environment and Public Works Committee; June 24, 2009 – CV: 7-0
Ways and Means Committee; June 24, 2009 – CV: 11-0

20. Colby & Cassetti
Intro. 242
Res. 186
28-0 09-0209 Authorizing Use Of County Roads As Detour Route During New York Route 383 Culvert Reconstruction Project By New York State Department Of Transportation
Transportation Committee; June 24, 2009 – CV: 8-0

21. Colby & Cassetti
Intro. 243
Res. 187
28-0 09-0210 Authorizing Use Of County Roads As Detour Route During New York Route 31 Bridge Over Erie Canal Reconstruction Project By New York State Department Of Transportation
Transportation Committee; June 24, 2009 – CV: 8-0

22. Colby & LaFountain
Intro. 244
Res. 188
28-0 09-0211 Accepting Additional Funding From New York State Department Of Transportation For State Supported Consolidated Local Street And Highway Improvement Program; Amending 2009 Operating Budget Of Department Of Transportation
Transportation Committee; June 24, 2009 – CV: 8-0
Ways and Means Committee; June 24, 2009 – CV: 11-0

23. Valerio, Colby & LaFountain
Intro. 245
Res. 189
28-0 09-0212 Authorizing Contract With Barton & Loguidice, P.C. For Engineering Services For Replacement Of Stottle Road Culvert At Mill Creek In Town Of Chili
Transportation Committee; June 24, 2009 – CV: 8-0
Ways and Means Committee; June 24, 2009 – CV: 11-0

24. Antelli, Colby & LaFountain
Intro. 246
Res. 190
28-0 09-0213 Authorizing Contracts With Lu Engineers For Engineering Services; Authorizing New York State Department Of Transportation For Replacement Of Edgemere Drive Bridge Over Round Pond Outlet Project In Town Of Greece
Transportation Committee; June 24, 2009 – CV: 8-0
Ways and Means Committee; June 24, 2009 – CV: 11-0

25. Valerio, Colby & LaFountain
Intro. 247
Res. 191
28-0 09-0214 Authorizing Contracts With FRA Engineering P.C. For Engineering Services; Authorizing Contract With New York State Department Of Transportation For Replacement Of Union Street Bridge At Black Creek Project In Town Of Chili
Transportation Committee; June 24, 2009 – CV: 8-0
Ways and Means Committee; June 24, 2009 – CV: 11-0

26. Colby & LaFountain
Intro. 248
Res. 192
28-0 09-0215 Authorizing Contract With Ramsey Constructors, Inc. For Construction Services For Marsh Road Bridge At Cullen's Run Creek Project In Town Of Pittsford
Transportation Committee; June 24, 2009 – CV: 8-0
Ways and Means Committee; June 24, 2009 – CV: 11-0

27. LaFountain & Barker
Intro. 249
Res. 193
28-0 09-0216 Approving 2009-2010 Operating And Capital Budgets For Cultural Center Commission
Ways and Means Committee; June 24, 2009 – CV: 11-0

28. LaFountain & Barker
Intro. 250
Res. 194
28-0 09-0217 Establishing Trust Fund For Construction Of Monroe County Pediatrics And Community Visitation Center; Authorizing Controller To Transfer Funds From Trust Fund To Capital Fund 1470 For Construction Of Monroe County Pediatrics And Community Visitation Center
Ways and Means Committee; June 24, 2009 – CV: 11-0

Matters Of Urgency

- | | | |
|---|---------|---|
| 29. Quatro & LaFountain
Intro. 251
Res. 195
28-0 | 09-0220 | Repealing Resolution Numbers 82 Of 1989 and 483 Of 1996
Matter Of Urgency |
| Intro. 252
M. 55
13-15 F | | Bronson
Motion to bring forth a Matter Of Urgency per Section 545-24 (A-4). Two-thirds voted is required.
<i>(Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gumina, Haney, Heider, Kaleh, Lee, Lightfoot and O'Brien voted in the positive)</i> |
| 30. Driscoll, Valerio & LaFountain
Intro. 253 | 09-0223 | Approving Monroe Community College's 2009-2010 Operating Budget -
Matter Of Urgency
<i>(For Introductory Purposes Only)</i> |
| 31. Valerio & LaFountain
Intro. 254
M. 56
28-0 | 09-0223 | Providing That Resolution (Intro. No. 253 Of 2009), Entitled "Approving Monroe Community College's 2009-2010 Operating Budget," Be Tabled |
| 32. Valerio & LaFountain
Intro. 255
Res. 196
28-0 | 09-0223 | Fixing Public Hearing On Resolution (Intro. No. 253 Of 2009), Entitled "Approving Monroe Community College's 2009-2010 Operating Budget"
<i>(Public Hearing is Scheduled before a Joint Meeting of the Recreation and Education and Ways and Means Committees on July 29, 2009 at 6:00 P.M.)</i> |
| 33. Cassetti & LaFountain
Intro. 256
Res. 197
28-0 | 09-0224 | Authorizing Contracts With Villager Construction, Inc. For Construction Services And Fisher Associates, P.E., L.S., P.C. For Resident Project Representation Services For American Recovery And Reinvestment Act – Highway Project Contract 2
Matter Of Urgency |
| 34. Cassetti & LaFountain
Intro. 257
Res. 198
28-0 | 09-0225 | Authorizing Contracts With DiFiore Construction, Inc. For Construction Services And C&S Engineers, Inc. For Resident Project Representation Services For American Recovery And Reinvestment Act – Highway Project Contract 3
Matter Of Urgency |
| 35. Hanna & LaFountain
Intro. 258
Res. 199
28-0 | 09-0226 | Amending Resolution 288 Of 2008 To Accept Additional Funding From New York State Office For The Aging And Funding From National Association Of Area Agencies On Aging For Monroe County Office For The Aging Programs
Matter Of Urgency |
| 36. Barker & LaFountain
Intro. 259
Res. 200
28-0 | 09-0227 | Accepting Grant From New York State Crime Victims Board For Victim Witness Program In District Attorney's Office
Matter Of Urgency |
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UNFINISHED BUSINESS

NONE

Upon Motion by Legislator E. Daniel Quatro, the Legislature adjourned at 10:10 P.M. until Tuesday August 11, 2009 at 6:00 p.m.

LISA POLITO NICOLAY
Clerk of the Legislature